MUST PAY HER HUSBAND

Court Holds Wife Should Live Up to London Agreement.

DOCUMENT'S ODD PROVISION

Former Lawyer to Get Half of \$38,000 Income and \$100 a Day for Son's Absence.

Justice Greenbaum decided yesterday that Mrs. Eleanor Livingston Phelps must carry husband, Charles Harris Phelps, in 1888, to one-half of her income from the estate of her father, John Augustus Pell, which amounted to \$38,000 a year. Mrs. Phelps also received from her mother an estate valued at \$1,000,000. Mr. Phelps was a well known lawyer in this city with a large professional income

nd Mrs. Phelps were married i They separated in 1887, but became enciled in 1888, when the agreement was adon. Mr. Phelps said he had shandoned his practice at the request of is wife and her father in order that he might travel with her in Europe for her health. He said he had also incurred great expense because his wife had left him and in his unsuccessful effort to get the custody of their son. Harris Livingston Phelps.

The agreement recited that Mr. Phelps was willing to have his wife back with ut insisted that he be reimbursed for all the loss he had sustained through his marriage. He also insisted on provising made for the safety of their son markable provision about the son as Mr. "to protect him from peril

Mrs. Phelps bound herself to pay damages of \$100 a day for each day her son was absent after Mr. Phelps had demandd his return. The father became guardian In case the child disappeared through no fault of either they were to spend up to \$5,000 to punish the abductors. n case of dispute over the agreement a lawyer of more than thirty years' standing hould be appointed as arbitrator either the Attorney General of England or the Attorney General of New York State. or twenty-one years after the signing of this agreement Mrs. Phelps lived with her husband and paid him the half income her father's estate. In 1910 she repudiated the agreement and refused to pay er husband any more money. She then signed a trust deed, giving her son part of her income. Mr. Phelps got a restraining order against the United States Trust Company, which forbade the company from payoffe, pending the litigation that he brought. cenbaum yesterday upheld the



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itoba. Saskatchewan and One-way Spring Colonist Tickets

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fession, write to David Belasco, 115 W. 44th St., inclosing photograph? Those averse to hard work need not apply.



MRS. GENEVIEVE NICODEMUS.

rights of Mr. Phelps under the London SEALED VERDICT FOR ACTOR agreement and declared invalid the true deed executed to the United States Trus

Apparently because of the disposition of he case yesterday there were filed in the following transfers of property owned by Mrs. Phelps, two of which were held by the husband and another by the son

No. 65 Pearl street and No. 101 Sixth avenue, from Charles H. Phelps to Eleanor L. Broadway, from Eleanor L. Phelps to the United States Trust Company; No. 912 and No. 918 Broadway, from Charles H. Phelps to Eleanor L. Phelps, and No. 900 Broadway, from Livingston Phelps to the United States Trust Company. In each case the consideration was mentioned as \$1

ALL'S WELL, SAYS MR. ALSOP He Denies Stories of Trouble with His Young Bride.

own in Pittsburgh, New York City and Washington, said to-day, with reference to he reports emanating from New York of an estrangement between himself and his

lated to the effect that Mrs. Alsop and yself are unable to agree would be laughable if they were not so annoying. At presthere within the next few days and we'll to either New York or Washington."

"Have you and Mrs. Alsop got along to-

Why, we've been the happiest bride Delany ordered a scaled verdict. and groom that ever knelt before a min ister to say the magic 'yes.' It was hard of having my wife go to a sanatorium, but

Mr. Alsop will go from here to a Wah ngton this week, but he hopes to dispose his business soon, so as to be able to join his bride in the Litchfield Hills not later than the early part of next week. and then, he says, they will both be happy because of being in each other's company

1By Telegraph to The Tribune. Boston, April 3-An arrangement before bride provided for the leaving of Mr. a Harvard junior. The mother of Mrs. Alsop is reported to intend retaining a lawyer to obtain for the young bride part was living at No. 50 West 28th street with of the property.

"I wish to make it plain at this time. property was placed in the care of my rother and myself is absolutely foolish."

GIRL SENIORS REACH PORT Pirate Song, Modified, and Dance Celebrate Safe Return.

sammers before Mr. Fulton devised his both sulat. Mrs. Hart wanted to be free, steamboat. And aithough the bad men of she said, because she might want to marry he ocean highway are but memories, the again and Hart intends to marry Miss old pirate song is occasionally resurrected Lohr. Justice Brady yesterday gave Mrs. when the land lubbers go to sea.

Noordam by a bevy of young women in one being pleased thereby. gayer gowns than ever graced the shoulders of the men of Captain Kidd, and the

nes were up to date. "Fifteen girls on the chaperone's trail; been a-shopping all around the globe, and Jury Acquits Mrs. McRee, Slayer of we're not afraid of showing what we bought to Mr. Loeb! Yo he he, and a bot-

tle of perfume!" The rhyme ended a dance on the Noor dam's deck, and fifteen girls, comprising the senior class of the school of Miss Jessica Finch, sank into steamer chairs exhausted. For three months they had been travelling abroad with three chaperones. and although they had lost two of their guardians in London they felt that the yoke of restraint was off when the Noordam was home again in Hoboken.

"Oh, dear me! We had a perfectly lovely time of it," said one of the young women.

MISS KANE NAMES THE HENLEY

Descendant of Revolutionary Hero Sponsor for New Destroyer.

Quincy, Mass., April 3.-The torpedo boat destroyer Henley, named after Captain Robert Henley, commander of the Eagle in the battle of Lake Champlain, was launche to-day from the yards of the Fore River Shipbuilding Company.

Miss Constance Henley Kane, of New York, a great-granddaughter of the Eagle's skipper, was sponsor for the last addition to the navy. The Henley is the last of the 742-ton class of destroyers. Turbine and reciprocating ergines will be used up to 16 knots and turbines alone to 30 knots, her speed limit.

Philadelphia. April 2—The United States torpedo boat destroyer Jarvis was launched to-day from the yard of the New York Shipbuilding Company, in Camden, N. J. The boat was named by Miss Jean Knox, fourteen years old, daughter of the president of the company. The boat is 236 feet 10% inches long, with an estimated speed of 2345 knots.

Jury Unable to Agree in Hack-

ett's Suit Against W. A. Brady. James K. Hackett, the actor, told with the best dramatic effect possible under the award him a verdict for \$5,000 against William A. Brady for breach of contract. The break any contract he had with Hackett.

Phelps: No. 65 Pearl street, No. 912 Broad- defendant manager, with less elocutionary way. No. 401 Sixth avenue and No. 918 effect, told why the plaintiff should not recover because, he declared, he did not against Hackett for financial damage that o sustained by the refusal of the actor to atinue the contract. This agreement was or five years at \$500 a week and \$5,000 as a ercentage at the end of each season. The ntract was made in 1910, and Hackett id that Brady failed to pay the first seaon's percentage.

Brady explained on the stand that during first season of his management of Hackett he lost \$19,000, and when Hackett asked for the \$5,000 he told the plaintiff to offered the actor a new play. He held out s a further inducement for the acceptance of the new play a New York opening.

It was brought out that Hackett played nder his own management in 1911, while and that Brady wrote to him that notwithstanding the suit he should call on him and answered that he considered the non-paygent of the \$5,000 by Brady as the breaking of the contract by the latter. A. L. Jacobs, counsel for Hackett, testified that Brady agreed to pay the money if Hackett would cancel his engagement with the man-

to be separated so soon by the necessity COURT PLEASES EVERY ONE

Woman Gets Divorce from One and Is Divorced by Another.

It took two justices of the Supreme Court o undo the unusual tangle that involved Mrs. Anna Hart, also known in the proceedings as Mrs. Goettich; Max Hart, one usband of Mrs. Hart; Hans Goettich, anther husband of the same woman, and Margaret Lohr, who is going to be the

of Max Hart. Max Hart and Mrs. Hart were marriethe marriage of Edward B. Alsop and his in 1893 and soon thereafter separated. In 1964 Mrs. Hart met Goettich. She told him Alsop's property, estimated at \$2,000,000, to that Hart had been killed in an explosion is two sons, according to the statement of and that she had long been a widow. So Harold P. U. Alsop, one of the sons and Goettich married Mrs. Hart, and together they kept a delicatessen store at No. 1896 Lexington avenue. In the mean time Hart

Miss Lohr as his wife, Last November Go-ttich learned that his said Harold Alsop. "that there is no wife still had another husband living, and estrangement whatever between my father he investigated. Mrs. Goettich went to Hart and his young bride. This talk about the and told him of her second marriage, and bride being indignant because my father's asked him not to betray her to Goettich. So when Goettich confronted Hart the latter denied that he had ever seen the But Goettich was not satisfied. left his wife and went to live with his arents at Woodside, Long Island.

Then Mrs. Goettich began a divorce suit against Hart, naming Miss Lohr as corespondent, Hart not defending the suit. Goettich brought a suit to annul his marhe he, and a bottle of rum!" That was riage to Mrs. Hart, and she falled to dene song the pirates sang on the wind- fend that action. Hart was a witness in Hart her decree of divorce and Justice It was sung yesterday on the Dutch liner | Page signed the decree for Goettich, every

UNWRITTEN LAW FREES WOMAN

University Student. Opelousas, La., April 3,-Mrs. Zoe Runge

McRee, who has been on trial accused of manslaughter in connection with the killing of Allan Garland, a Tulane University student, was acquitted here to-day. The jury had been out all night. Mrs. McRec pleaded that she shot "to protect her honor." At a previous trial, when she was charged with murder, a jury failed to agree. The Garland family has been well known

in Louisiana for several generations. Mrs. McRee is the wife of a Southwestern Railroad official. Young Garland was killed in the McRee home last fall. Mrs. McRee's ity lefence was the "unwritten law."

Hoped for Kiss When Husband

Hit Her, Mrs. Nicodemus Says.

CAN'T RECALL FATAL SHOT

HER STORY IS COMPLETE

Alienist Says, Answering Hypothetical Question, She Had Hysterical Mania.

Mrs. Genevieve Nicodemus, the young voman who is on trial for the murder of ner husband, Frank, before Judge Rosalsky, in General Sessions, testified yesterday that she had no recollection of firing the shot which killed her husband. Dr. Arthur C. Brush, an alienist, who was called as a witness by Abraham Levy, her counsel, said that he thought the young woman was suffering from hysterical mania when she killed her husband and that persons so affected generally had no recollection of what they had done when driven by their

Mrs. Nicodemus took up her story from the suggestion made by her husband that she commit suicide with a bottle of carbolle that he bought for her. pale and showed the effect of the long trial Frequently she was shaken by sobs and had to pause in her testimony. The jurors eaned forward to catch the words which the spoke in a voice that was low and alnost devoid of expression

"Was that the only time that your husband suggested that you would be better

lead?" asked Mr. Levy. "No." answered the young woman; "he told me once that it would be easy to die onnect a tube with the gas fixture and old it over my face. It did seem easy, but couldn't bear to leave Frankie while there was any hope that he might change and be kind to me again.

She testified that during the whole time that she lived with her husband he gave ner only 25 cents, while she had unquestioningly turned over to him the \$5 a week she made by helping a dressmaker.

A letter she had written to her husband while he was away on a vacation was placed in evidence. In it she begged him to send her \$6. "For God's sake," she wrote, "send me the money. I owe many times that amount, and I have not a cent except enough to pay for the stamp on this

"By January | May Be Dead."

miss you so, Frankie," she wrote, "but know you hate me, and I won't bother you again. When the baby comes then I will have something to keep me from being Besides, by January I may be dead."

The baby did not live, and though the young woman came very close to death she pital testified that she tore the dressings from the wounds she had inflicted on herself well and her "Frankie" to die

ing that about the first of October a sister of her husband told her that Frank was "I thought," said Mrs. Nicodemus, and she hesitated, while her bosom rose and fell with the sobs she was forcing back that he wanted to be kind to me, as he was when we were first married. I went right him that I would meet him. I was very ex cited and very happy when I ran around

"Did your brother go with you?" asked Mr. Levy. Her brother Archie had testified that his mother told him to go along

don't remember anything about while she wined away the tears that were

with his ast

"Didn't he say anything first" asked Mr. garments.

"I Meant to Shoot Myself."

"Yes. When I saw how he looked I told im that I was going to kill myself if he was so mean to me, and he said. Well, then, if you are going to die I may as well tell you ence and for all why I married you. All I ever wanted of you was to make noney for me.' I had the revolver in m I meant to shoot myself. What happened next I don't remember All I know is that I woke up after a while in the hospital, and they told me I had shot Frankl

"I didn't mean to shoo" him: I didn't want him to die. God knows I loved him better than anything else on this earth and If only he were alice now !"

Mrs. Nicodemus was racked by sobs and had to calm herself before Frank Moss, the Assistant District Attorney, could begin his cross-examination. He asked only few questions, and three minutes later Mrs. Nicodemus was back in her seat, her face, except by its paleness, showing little of the New York court, of the storm she had been through

Detective John F. Brennicke testified for Mrs. Nicodemus. He said that he had known Frank Nicodemus for five years. that he associated with suspicious characters, and that his reputation was not of the best. On cross-examination he was unable to identify a photograph of the young man shown him by Mr. Moss

Dr. Arthur C. Bush was the last witness. He is a specialist in diseases of the mind and nervous system, and for twenty years has been in charge of the observation ward at the Kings County Hospital. He examined Mrs. Nicodemus in the Tombs last Saturday. Mr. Levy asked him a hypothetical question embodying all of the testimony for the defence. It took fifty minutes to propound the question.

Dr. Bush answered that, assuming the facts stated, he would say that Mrs. Nicodeinus was under such mental affliction at the time of the shooting as to not know the nature and quality of her act or to know that it was wrong. His tests showed, he said, that she was subject to hysterical mania, and such treatment as she had received, culminating in the acute disappointment of finding that her husband, in stead of seeking a reconciliation, sought only to jeer at her, he thought would put her in a condition of mental irresponsibil-

On cross-examination Dr. Bush told Mr

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true. He admitted that persons afflicted with hysteria-and most women, he said, were-often had a perverted idea of the truth. Even if they knew at first that an ecount they gave was false, he said, they might persuade themselves of its truth by kind of auto-suggestion. The basis of the hypothesis of Mr. Levy's question was the testimony of Mrs. Nicodemus.

Mr. Levy intends to call another alienist Mr. Moss also has at least one to call There will be several witnesses on rebuttal norrow, as it is Good Friday, and it is not expected that the trial will be finished be-

"TUBE" SKIRT HURT TRADE Twelve Yards for Every Woman the Price Cotton Paid.

Washington, April 3.-Twelve yards of the fashions is the price the cotton inter-Archie," she said; "all I know is that I was skirt and its accompanying lack of under ery, very happy, and I had been sad so garments, according to George W. Neville, I saw Frankie and I ran straight to president of the New York Cotton Ex-I thought he would kiss me and pet change, who addressed the American Cot-The witness paused ton Manufacturers' Association to-day.

Mr. Neville was applauded when he ar nounced that the "moulders" of femining "He struck me. He struck me in the face fashlons have now decreed that the women shall wear more yards of cloth in their

"One of my friends of a mathematical nind figured the scanty attire of the fair sex cut out at least twelve yards of finished goods for each adult female inhabitant of the civilized world," said Mr. Ne. ville, "and this was a contributing factor to the small demand for finished goods the

MRS. BENDIX ASKS ALIMONY

Violinist's Daughter to Complete Piano Studies in a Year.

Justice Ford heard yesterday the difft

culties of Mrs. Angelica Bendix and Max Bendix, violinist and conductor, over the question of alimony pending the wife's suit fo a separation on the ground of abandon ment. Mrs. Bendix said her husband owed a Chicago court, and that she has been getting \$25 a week from Bendix by order

Rendix said he had severed his connec tions with musical comedy and that he had been teaching music at \$5 an hour, but that it was difficult to build up a clientele. Their twenty year old daughter told Justice Ford it would take her another year to complete her musical education. The court suggested that here was work for the defendant, but Bendix said that he taught violin and his daughter played piane. Justice Ford reserved decision.

BRIDE OF A WEEK SLAIN

Jealous Boarder Then Attempts to End His Own Life. Chicago, April 3.-Mrs. Emily Shaw, who

was married only a week ago, was murdered to-day in her home here by Clarence Carr, a boarder, who then tried to kill himself. He used a razor. The police say that Carr has a wife and

two children and was infatuated with Mrs. Shaw. He asked that he be buried from Mrs. Shaw's home.

SHOES SEE 53 YEARS' SERVICE. Bought for \$2, They Look Good for

Century or So Longer. [By Telegraph to The Tribune.] Boston, April 2.-A pair of shoes in the

street merchant, have been lying around since the spring of 1859, when he purchased them in London. They are still serviceable, though out of fashion, and look good for another century or so of wear. The shoes were actually worn for two

years steadily in England, and then saw service in Australia, where they were in use, off and on, for some eighteen years. Afterward, when Mr. O'Sullivan came to America, he used them in the work on the Ashland Dam, where he was a construction foreman. He paid 8 shillings, or about \$2. for the shoes, and considers the investment among his best, though he has toade many profitable ones.

POTATOES HIGHEST IN YEARS. Chicago, April 3.-Potatoes sold to-day at \$1.75 a bushel, wholesale, the highest price recorded in recent years. This compares with a price of 50 cents a year ago. Housewives to-day paid 50 cents a peck.

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BADLY BURNED SAVING BABY

Mother's Dress in Flames, She Ignores Own Danger. While Mrs. Clara Satin, of No. 123 Lud-

low street, was preparing supper on the fourth floor of the big six story tenement house last evening, her dress was blown against the gas stove and instantly flared up. Esther, her three-month-old infant, was on the floor, and her dress also took fire. In trying to save her baby's life Mrs. Satin neglected to beat out the flames which were enveloping her own body. As a result she was burned so severely that her life is despaired of in Gouverneur Hospital. As soon as Mrs. Satin saw her baby's

ciothes ignited she began to beat them out with her bare hands, at the same time screaming for help.- Her other children, all under fourteen years of age, tried to help their mother, and were slightly burned in doing so. Just when it seemed as though mother

and baby would be burned to death Mrs. Yetta Eldrich, who lives on the same floor, ran in and beat out the flames. The baby was only slightly injured, but the mother and her eldest daughter, Fanny, were taken to the hospital. The fire was extinguished with only slight damage to the building.

PLUCKS FIGHTING BIRD

Fark Keeper Hopes to Prevent War Between Two Irish Gamecocks. There will be no more cock fighting in

ossession of James O'Sullivan, an India the Central Park menagerie. For a long time visitors to the menagerie, as well as the attendants, had all the excitement of watching a genuine cock fight, minus the Latin environment supposed to go with that pastime.

Dick and Jim, two Irish gamecocks, were the cause of the entertainment Dick was presented to the menagerie some time ago by C. K. G. Billings, a horseman, who imported him from Ireland. The bird was accompanied by some In the last month Jim, the son of Dick,

has shown a desire to rule the roost, and as he had all the fighting qualities of the older cock the youngster made things The fowls are in the deer padlively. dock and are under the surveillance of Robert Hoey, the keeper.

Jim and his daddy fought so fiercely on Sunday and Monday that they were all whipped. To prevent any more en- for \$2.50 a year. in yesterday, though neither bird was

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counters for the near future Hoey plucked the tail feathers and trimmed the wings of the young cock. "They are the gamest pair of birds I ever saw," said Hoey.

SUNDAY'S NEW-YORK TRIBUNE